

BOARD OF PODIATRIC MEDICAL EXAMINERS

OPEN SESSION MEETING

MINUTES

February 8, 2018

Room 110

The Public Session Meeting commenced at 1:13 PM, opened by Board President, Dr. Zachary Chattler.

Board members attending were Drs. Cohen, Friedman, Gottlieb and Umezurike. Consumer members present were Frona Kroopnick and Sharon Bunch.

Board staff present: Eva Schwartz, Executive Director, Carla Boyd, AAG, Board Counsel, Sheri Henderson, Deputy Executive Director, and Elizabeth Kohlhepp, Licensing Coordinator.

Representing MPMA: Richard Bloch, Esq., Executive Director, and Stacia Jones, DPM.

Guests Present: Dr. Jay LeBow.

COMAR 10.01.14.02.B:

Except in instances when a public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session. Dr. Chattler read the COMAR Citation.

A. MINUTES:

1. Approval of minutes from the January 11, 2018 meeting

The minutes from the January 11, 2018 meeting were approved unanimously, as submitted.

B. OLD BUSINESS:

**1. Proposed Regulations defining what is required to prove 5 years of Practice for a Full License
COMAR 10.40.01.01**

The Board previously voted to propose a new regulation requiring an affidavit during the licensing process to prove five years of active practice immediately preceding the application for licensure. This personal affidavit would be acceptable in lieu of the residency program affidavit, if the applicant chooses to apply via this route. The proposed regulation has been approved by MDH, has moved through the Governor's Regulatory Review Office for approval, and was submitted to AELR. At this time, the proposed regulation is anticipated to be printed in the Maryland Register for comments in March.

2. Proposed Regulation addressing Active podiatric practice- COMAR 10.40.08.02

The Board previously voted to propose a regulation to define active practice to be interpreted as requirement of an average 400 working hours of practicing podiatry per year, for five consecutive years.

The proposed regulation has been approved by MDH, has moved through the Governor's Regulatory Review Office for approval, and was submitted to AELR. At this time, the proposed regulation is anticipated to be printed in the Maryland Register for comments in March.

3. Proposed Amendment to COMAR 10.40.06- Advertising Regulation

The Board previously voted on a proposed amendment to COMAR 10.40.06- Advertising concerning the identification of a podiatrist as such, or as a foot and ankle specialist, or foot and ankle surgeon in advertisements or any media platforms. The proposed regulation is currently held in moratorium.

4. SB 110- State Board of Podiatric Medical Examiners – Licensure – Qualifications and

Examinations

The Board was made aware that SB 110-State Board of Podiatric Medical Examiners- Licensure- Qualifications and Examinations had a hearing on Thursday, January 18, 2018 in Annapolis. Ms. Schwartz testified at the hearing on behalf of the Board. No one contested the Bill at the hearing, it passed unanimously in committee, subsequently it will be moving to the House. Ms. Schwartz plans to attend the House Bill hearing to testify. She asked for a volunteer back up witness from the Board members.

5. UPDATE to the NC Dental Workgroup: COMAR 28.04.01 through COMAR 20.04.01.08

Ms. Carla Boyd, AAG, Board Counsel, briefed the Board on updates regarding proposed COMAR 28.04.01 through COMAR 20.04.01.08 as mandated by SB 517. Ms. Boyd informed the Board that the proposed regulations implementing SB 517 are posted in the Maryland Register with a comment period ending March 5, 2018. The Board was made aware that OAH is holding a required Administrative Law Judge training on February 9, 2018. The Board's will have more information addressing the concern of when a complaint, or an action, or a type of action by the Board will be reviewed by OAH as the process moves forward.

C. NEW BUSINESS:

1. SB- 396- Open Meetings Act- Training-Application

The Board received a copy of SB-396-Open Meetings Act- Training Application for informational purposes. Dr. Gottlieb and staff have taken the training required by the Open Meetings Act.

2. HB- 288- Health Occupations- Power of Secretary of Health- Boards and Commissions

The Board discussed HB288- Health Occupations; Power of Secretary of Health- Boards and Commissions. This bill would authorize the Secretary of Health to vacate or modify decisions or determinations made by a health occupations board or commission regarding disciplinary action taken against an individual licensee, certified person, or entity by the board or commission.

The Board voted to oppose this bill sponsored by Delegate Dan Morhaim.

Richard Bloch informed the Board that the MPMA will write a letter expressing concern over the Bill.

3. SB 698- State Board of Nursing- Advanced Practice Registered Nurses-Certification

and Practice

The Board discussed SB 698- State Board of Nursing- Advanced Practice Registered Nurses-Certification and Practice. The Board expressed concern over the language of the Bill in Section 8-513 (C) (1) and Section 8-513 (C) (2). In section 8-513 (C) (1) the bill fails to mention podiatrists when discussing that a nurse anesthetist shall administer anesthesia in collaboration with certain licensed professionals; in section 8-513 (C) (2) a collaboration agreement between a nurse anesthetist and certain licensed professionals is no longer required, podiatrists are included. The Board requested clarification of this matter. The Board took “No position” on SB 698.

4. Executive Order 01.01.2017.33 Guidelines for Regulatory-Impact Analyses and Evaluations (rescinds Executive Order 01.01.1996.03)

The Board received a copy of Executive Order 01.01.2017.33 Guidelines for Regulatory-Impact Analyses and Evaluations (rescinds Executive Order 01.01.1996.03) for informational purposes.

5. FYI- Topics Quarterly Newsletter Volume 32/No. 4 Winter 2017 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC

The Board received a copy of Topics Quarterly Newsletter Volume 32/No. 4 Winter 2017 from Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC for informational purposes.

6. HB 922- Maryland Department of Health- “Pill Mill” Tip Line

The Board discussed HB 922- Maryland Department of Health- “Pill Mill” Tip Line. The Board expressed concerns including how the Bill did not identify the extensive resources needed for investigations and resolution and disposition of the complaints. Ms. Schwartz will follow up with the Board of Physicians’ position on the Bill. The Board tabled the position vote pending additional information.

With no further business, the Board meeting concluded at 2:11 PM.

Respectfully submitted,

Yvonne Umezurike, Secretary/Treasurer

